

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Benjamin L. Harris,

File No. 19-cv-2428 (ECT/DTS)

Petitioner,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Vicki Janssen,

Respondent.

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The Court has received the September 10, 2019 Report and Recommendation of United States Magistrate Judge David T. Schultz. ECF No. 5. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. This matter is **DISMISSED**;
3. Petitioner's application to proceed in forma pauperis [ECF No. 2] is **DENIED AS MOOT**; and
4. No certificate of appealability will issue.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 7, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court